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December 12, 2023

BY ECF

Honorable Denise Cote
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re: *YaYe Ferguson v. City of New York, et al.*, 22-cv-04846 (DLC)

Your Honor:

I am the attorney for the plaintiff YaYe Ferguson ("plaintiff") in the above-referenced matter. I am writing to respectfully request a fourteen (14) day extension of time to file plaintiff's response to defendant's motion for summary judgment from December 15, 2023, until December 29, 2023, and for defendant's time to reply until January 5, 2024.

On October 9, 2023, discovery was complete (*See* ECF No. 32).

On October 17, 2023, Your Honor granted a briefing schedule for the summary judgment motion whereby defendant's summary judgment motion was due on November 15, 2023, plaintiff's response is due on December 15, 2023, and defendants' reply is due on December 22, 2023. (*See* ECF No. 35).

Defendant's motion for summary judgment was filed on November 15, 2023 (*See* ECF Nos. 36-39).

I am requesting this extension because I am currently engaged in a lengthy multi-defendant trial, in which my client is charged with two separate incidents of Murder in the Second Degree and other related charges. This case, *People v. Dashawn Austin, Akeem Artis, Travis Scott & Jayquan Lane, Indictment No. 71086/2021*, is currently before Judge Danny Chun in Kings County Supreme Court.

The plaintiff's counsel being engaged
on trial, the application is
granted. Opposition is due
12/29. Reply is due 1/5.

Denise Cote
12/12/23

This is plaintiff's first request to extend the time to respond to defendant's motion for summary judgment.

Defendant has consented to plaintiff's request seeking an extension to respond to the motion for summary judgment.

Accordingly, plaintiff requests the following revised scheduling order pertain.

Plaintiff's Response: **December 29, 2023**

Defendant's Reply: **January 5, 2024**

Thank you, Your Honor, for consideration of this request.

Respectfully,



Jonathan A. Fink

cc: **By ECF**
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